S.B.CR. MISC. BAIL APPLICATION NO.5991/2007

(Baljindra Singh & Anr. Vs. State of Rajasthan)

Date of Order :: December 10, 2007

HON'BLE MR. H.R.PANWAR,J.

Mr. Devendra Singh Dev, for the petitioners.
Mr. Ashok Upadhyaya, P.P. for the State.

Heard learned counsel for the petitioners and the Public Prosecutor for the State. Perused the order impugned.

It is contended by the learned counsel for the petitioners that the offence is triable by the Court of Judicial Magistrate and, therefore, the petitioners may be released on bail.

Learned Public Prosecutor has vehemently opposed the bail application and contended that a huge quantity of country made liquor i.e. 60 ltrs. and 1250 ltrs. "Lahan" (raw material) have been recovered and the petitioners were found with manufacturing the illicit liquor at large scale and

kiln, utensils etc. used for manufacturing the illicit liquor and the matter is at the investigation stage.

Keeping in view the serious allegations and the petitioners were found with manufacturing a huge quantity of illicit liquor, which is injurious to health of general public, in my view, it is not a fit case to release the petitioners on bail at this stage when the investigation is in progress.

The bail application filed by the petitioners under section 439 Cr.P.C. is, therefore, dismissed. However, the petitioners are at liberty to move a fresh bail application after filing of the challan.

[H.R.PANWAR],J.

m.asif/-